IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 25070 of 2007(H)

PETITIONER:
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1. SMT.KAMALAKSHYAMMA, AGED 76,
W/O. LATE E.PARAMESWARAN KARTHA, KALLARAKKAL HOUSE
THEKKUMBHAGAM, TRIPUNITHURA.

2. SMT.B.VIJAYALAKSHMI, AGED 43,
W/O. BALAKRISHNAN, KALLARAKKAL HOUSE, NOW RESIDING
AT SREESHAM, ELAMANA ROAD, TRIPUNITHURA,
NADAMA VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.PRAVEEN K. JOY
SRI.E.M.MURUGAN

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY SECRETARY, MINISTRY OF CO-OPERATION,
SECRETARIAT, TRIVANDRUM.

2. THE PEOPLE'S URBAN CO-OP. BANK NO.51,
TRIPUNITHURA, REP. BY ITS GENERAL MANAGER.

3. THE SPECIAL SALE OFFICER,
PEOPLE'S URBAN CO-OP. BANK GROUP, OFFICE OF THE
ASST. REGISTRAR OF THE CO-OP. SOCIETY (GENERAL),
KANAYANNUR.

BY GOVT.PLEADER SMT.ANU SIVARAMAN
ADV.SRI.T.A.RAJAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 25070 OF 2007

Dated this the 17th day of August, 2007

JUDGMENT

Petitioners availed a loan which is not repaid. Recovery steps were taken. Petitioners approached this court earlier as evident from Ext.P5 judgment. This court granted relief to the petitioners on certain conditions. It is not in dispute that petitioners have not paid any amount as ordered in Ext.P5 judgment and it is only as a consequent that recovery steps have been taken.

2. I heard learned counsel for the petitioners and the learned counsel for the respondent-Bank also.

3. Learned counsel for the respondent-Bank would point out that petitioners have not complied with the conditions in Ext.P5 judgment. Learned counsel for the petitioners would submit that petitioners will pay a sum of Rs. 50,000/- (Rupees fifty thousand only) before the time of sale and the sale is posted on 18/08/2007 as shown in Ext.P10 and that the balance amount remaining to be paid with due interest will be paid on or before 30/09/2007.

Having regard to all facts, the writ petition is disposed of as follows:

Proceedings pursuant to Ext.P10 shall be kept in abeyance on condition that the petitioners remit Rs. 50,000/- (Fifty Thousand Only) before the time of sale mentioned in Ext.P10 and the balance amount with due interest on or before 30/09/2007. In case petitioners do not remit Rs. 50,000/- before the time of sale mentioned in Ext.P10 or the balance amount on or before 30/09/2007, the petitioners will lose the benefit of this judgment and it is open to the respondent-Bank to proceed against the petitioners in accordance with law.

K. M. JOSEPH, JUDGE

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